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EXAMINER	
PAYER, HWEI SIU CHOU	
ART UNIT	PAPER NUMBER

3724

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/749,701

Applicant(s)

BRESSLER ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 8-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 8, 9 and 11 is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 5 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

The amendment filed on 1-31-2006 has been entered.

### Claims Objection

Claims 5 and 10 are objected to because of the following informalities:

(1) In claim 5, line 2, "a mechanism" should read --the pump--. Note original claim 4.

(2) Claim 10 should be deleted since the limitation cited therein has already been included in claim 3.

Appropriate correction is required.

### Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-14 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 12 is confusing. While the preamble of the claim calls for "a pump", the main body of the claim clearly recites the razor blades as part of the claimed

combination. It is not clear what the claimed invention is directed to. A pump or a pump in combination with razor blades?

**Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Podolsky (U.S. Patent No. 5,092,041).

The scope of claims 12-14 and 16-18 is confusing (note the above rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph). For examining purpose, the claimed invention has been interpreted as being directed to a shaving aid material pump rather than to the pump in combination with razor blades.

Podolsky discloses a shaving aid material pump comprising a reciprocating mechanism selectively operable to transfer shaving aid material (i.e. the shaving cream) from a reservoir (2) to a port (45) for dispensing to a surface being shaved, the reciprocating mechanism including a biasing mechanism (35), the reciprocating mechanism further comprising a sleeve (33), a stem (36) translating along at least a portion of a length of the sleeve (33) in a first direction to provide a pressure stroke, and the biasing mechanism (35) comprises a spring operably disposed at the sleeve (33)

and operably disposed at the stem (36) to bias the stem (36) in a second direction to provide a return stroke, the pump further comprising a conduit (24) extending from the pump to the port (45), a valve (20) disposed in communication with the reservoir (2) to provide a pressure differential to facilitate the flow of the shaving aid material from the reservoir (2), and therein the valve (20) is a one-way valve that permit ambient air to enter the reservoir (2) upon operation of the pump as claimed.

3. Claims 12-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 1 252 980.

The scope of claims 12-14 and 16-18 is confusing (note the above rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph). For examining purpose, the claimed invention has been interpreted as being directed to a shaving aid material pump rather than to the pump in combination with razor blades.

EP '980 shows a shaving aid material pump (160H) comprising a reciprocating mechanism selectively operable to transfer shaving aid material from a reservoir (140H) to a port (i.e. the free end of stem 180, see Fig.25) for dispensing to a surface being shaved, the reciprocating mechanism including a biasing mechanism (181), the reciprocating mechanism further comprising a sleeve (166), a stem (180) translating along at least a portion of a length of the sleeve (166) in a first direction to provide a pressure stroke, and the biasing mechanism (181) comprises a spring operably disposed at the sleeve (166) and operably disposed at the stem (180) to bias the stem (180) in a second direction to provide a return stroke, the pump further comprising a

conduit (166) extending from the pump (160H) to the port (free end of 180), a valve (162H) disposed in communication with the reservoir (140H) to provide a pressure differential to facilitate the flow of the shaving aid material from the reservoir (140H), and therein the valve (162H) is a one-way valve that permit ambient air to enter the reservoir (140H) upon operation of the pump as claimed.

#### **Indication of Allowable Subject Matter**

1. Claims 1-3, 8, 9 and 11 are allowed.
2. Claim 5 is objected but would be allowable if amended to overcome the objection as set forth.

#### **Remarks**

Applicant's amendment to claim 1 has overcome the rejections under 35 U.S.C. 103 (a).

#### **Action Made Final**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer  
April 7, 2006

*Hwei-Siu Payer*

Hwei-Siu Payer  
Primary Examiner